



BOARD OF COMMISSIONERS

1 S. Main St., 9th Floor
Mount Clemens, Michigan 48043
586-469-5125 FAX 586-469-5993
macombcountymi.gov/boardofcommissioners

AD HOC COMMITTEE TO MAKE RECOMMENDATIONS FOR THE BUDGET OF THE CHARTER COMMISSION

TUESDAY, OCTOBER 14, 2008

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Adoption of Agenda, as amended, to include items #8, #9, and #10
4. Public Participation
5. Presentation by Betty Buss, Citizens Research Council of Michigan
6. Presentation by Jim Jacobs, President, Macomb Community College
7. Presentation by Carmella Sabaugh, Macomb County Clerk
8. Presentation by MSU
9. Presentation by George Ward, Former Chair of the Wayne County Charter Commission
10. Review of Dave Diegel Budget
11. New Business
12. Public Participation
13. Adjournment

MEMBERS: Gielegthem-Chair, Rengert-Vice Chair, Brdak, Bruley, Sauger and Crouchman (ex-officio)

MACOMB COUNTY BOARD OF COMMISSIONERS

Andrey Duzyl - District 1
Marvin E. Sanger - District 2
Phillip A. DiMaria - District 3
Jon M. Switalski - District 4
Susan L. Doherty - District 5

Joan Flynn - District 6
Sue Rocca - District 7
David Flynn - District 8
Robert Mijac - District 9
Philis DeSacle - District 10

Ed Szczepanski - District 11
Peter J. Lund - District 12
Don Brown - District 13
Brian Brdak - District 14
Keith Rengert - District 15

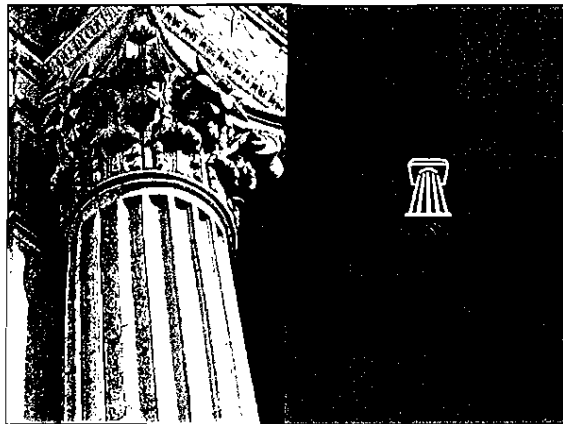
William A. Crouchman
District 23
Chairman

Dana Camphous-Peterson
District 18
Vice-Chair

Leonard Haggerty
District 21
Sergeant-At-Arms

Carey Torrice - District 16
Ed Bruley - District 17
Paul Gielegthem - District 19
Kathy Tocco - District 20

Betty Slinde - District 22
Sarah Roberts - District 24
Kathy D. Vosburg - District 25
Leon Drolet - District 26



CITIZENS RESEARCH COUNCIL OF MICHIGAN

Citizens Research Council of Michigan

For over 90 years, the objective of the Citizens Research Council of Michigan has been to provide factual, unbiased, independent information on significant issues concerning state and local government organization and finance. CRC believes that the use of this information by policy makers will lead to sound, rational public policy in Michigan.

CITIZENS RESEARCH COUNCIL OF MICHIGAN

County Charters in Michigan

County Commission Responsibility

Timeline for Charter Commission

Potential Charter Models

Mandatory and Permissive Provisions

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County Commission Responsibility


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County Commission Responsibility

- "The county board of commissioners shall provide, if necessary, a county appropriation sufficient to defray the cost of suitable office and meeting space; materials; supplies; personnel; the printing and distribution of documents, journals and records of proceedings; the dissemination of information about the proposed charter; and all other expenses necessary to permit the uninterrupted and orderly completion of the duties of the commission. The county board of commissioners shall also provide, if necessary, a sufficient appropriation to defray the cost of elections and compensation for the members of the charter commission."

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- Charter commissioners may receive up to \$65 per meeting for up to 90 meetings.
- The charter commission may appoint its employees and assistants and set their salaries.
- At the request of the charter commission, the county commission may authorize the charter commission to use county employees.
- All expenses shall be within an adequate appropriation provided by the county commission.



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The Wayne County Charter


- The State of Michigan provided \$1.5 million to the Wayne County Charter Commission.
- The Hudson Webber Foundation provided \$20,000.
- Wayne County did not provide any funds or in-kind support for the Wayne County Charter Commission.



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Possible Supplemental Funding Sources

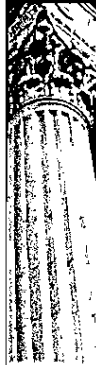
- State of Michigan
- Nonprofit foundations
- Civic organizations
- Individuals
- Businesses



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Timeline


After Election of Charter Commissioners



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After the General Election for Charter Commissioners


- Members of the charter commission must file their oath of office with the county clerk before the 1st meeting.
- The county clerk must call a meeting of the charter commission between 10 and 20 days after the certification of the election.
- The charter commission has 20 days after the 1st meeting to complete its organization.



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"Completes its Organization"?


- Elect a chairperson and other officers
- Establish rules of procedure such as Robert's Rules of Order.
- Bylaws may or may not be adopted.
- A record of meetings must be kept.
- A journal of proceedings must be kept.
- The Open Meetings Act applies.
- The Freedom of Information Act applies.



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"Robert's Rules of Order"?


- Authoritative, well known, universally accepted
- Basic guide to fair and orderly meetings
- Role of the Chairperson defined
- Rules for motions, debate, voting
- Decorum, basic rules of behavior



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"Bylaws"?


- A formal structure for operational decisions
- Usually drafted by committee after board discussion
- Name, mission, and members of the charter commission are already determined
- Decisions on officers, meetings, committees can be made in the context of bylaws
- Bylaws are a tool, not a necessity, for this effort



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"Records Must Be Kept"?


- State law requires maintenance of a record of meetings and a journal of proceedings
- These records may be made and maintained by the County Clerk, if the county agrees
- If the County does not provide this service, the Charter Commission must provide for required records



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Charter Commission Process


- The charter commission has 180 days after its organization to agree on a charter.
- A majority of members elected (14 of 26) must approved the proposed charter.
- A proposed charter must be approved by the Governor before being submitted to the voters.



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"Approved by the Governor"?

- The proposed charter must be submitted to the governor within 30 days of completion.
- The governor has 30 days to approve or disapprove the proposed charter.
- If the governor disapproves the proposed charter, she must give the reasons for the disapproval.
- The charter commission has 45 days to revise a disapproved charter and resubmit it to the governor.
- The governor has 30 days to approve the revised charter or to disapprove it with the reasons for the rejection.
- If the governor again rejects the proposed charter, the charter commission has 30 days to revise it or file suit in court to obtain a judicial interpretation on whether the charter conforms to law.




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Following Gubernatorial Approval

Once the governor approves the proposed charter (or the charter commission obtains a final favorable judicial interpretation), the charter commission has 10 days to set the dates for:

- The election on the charter,
- The primary election for county executive, and
- The general election for county executive.

(The Hammerstrom Election Consolidation Law limits the dates of elections.)




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Hammerstrom Election Consolidation Law (PA 71 of 2005)

Restricts dates of special elections:

- 4th Tuesday in February
- 1st Tuesday after 1st Monday in May
- 1st Tuesday after 1st Monday in August
- 1st Tuesday after 1st Monday in November




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If Voters Reject the Charter


- The charter commission has 60 days to revise a charter that is rejected by the voters.
- The revised charter must be approved by the governor.
- If the voters reject the second charter, the charter commission is dissolved.
- If approved, the charter takes effect after the election of charter officers.
- The charter commission may not remain in effect for more than two years.




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Potential Models for the Charter Commission




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The Charter Counties Act Act 293 of 1966

- Mandatory provisions are specified
- Permissible provisions are specified
- Sections 11a (8)(a) through 11a(8)(g) describe the minimum duties of the county executive



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The Wayne County Charter


The only county charter in Michigan
Language is consistent with state requirements

Contains:

- The powers and duties of the Chief Executive Officer
- The powers and duties of the County Commission
- The powers and duties of constitutional officers
- A departmental structure
- Budget and finance provisions
- Specific powers and provisions
- Transitional provisions




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The Optional Unified Form Act 139 of 1973

- The "charter" is in the state law.
- Oakland and Bay Counties are optional unified counties with elected county executives.
- Contains:
 - Powers and duties of the County Board
 - Powers and duties of the County Executive
 - A county departmental structure




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Contents of a County Charter

- Mandatory provisions
- Permissive provisions



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Mandatory Provisions



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The County Charter Mandatory Provisions


- A county executive elected at large on a partisan basis, and for the executive's authority, duties, and responsibilities.
- Partisan election of constitutional officers and the authority of the county commission to combine the offices of clerk and register of deeds.
- A legislative county board of commissions of between 5 and 27, and for their authority, duties, responsibilities, and number.



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The County Charter Mandatory Provisions


- The continuation of, discontinuation of, or transfer of duties among, all existing county offices, boards, commissions, and departments, with one exception.



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The County Road Commission

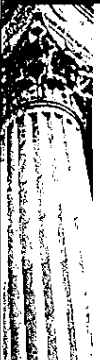
- Sec. 14(1)(d)(i) "Except as provided under subsection (2), in a county having a population of less than 1,500,000, the charter shall not be in derogation of the powers and duties of the county road commission in the exercise of their statutory duties concerning the preservation of a county road system."
- Sec 14(2) "Subsection (1)(d) shall not apply to a county in which the charter is amended to provide for an alternative method of carrying out the powers and duties which are otherwise provided by law for a board of county road commissioners."
- Sec 14(1)(o) "An amendment or revision shall not become effective unless the amendment or revision is submitted to the electorate of the county and approved by a majority of those voting."



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Mandatory Provisions Continued


- Continuation of an existing system of pensions and retirement and recognition of the accrued rights of employees under that system.
- Continuation of an existing system of civil service and recognition of the rights of employees under that system.




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Mandatory Provisions Continued

- The general laws of the state remain in effect.
- The ordinances of the county remain in effect, unless changed by the charter or subsequent ordinance.
- The county may adopt, amend, or repeal any lawful ordinance.




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Mandatory Provisions Continued

- The county has authority to enter into intergovernmental contracts.
- Initiative and referendum
- Recall
- Amendment or revision of the charter, which requires voter approval
- Balanced budget and annual audit
- Debt limit not to exceed 10% of taxable property.




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Tax Limitation in Charter Counties


- Existing property tax allocation remains in effect.
- Rate is limited to the number of mills allocated to the county in the year immediately preceding the year in which the county adopts a charter, unless approved by the voters.
- The charter may set a tax limitation less than the 10 mill statutory limit.




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Permissive Provisions




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Permissive Provisions

- The office of corporation counsel, public defender, auditor general, and all other offices, board, commissions, or departments.
- The power to establish other offices, boards, commissions, and departments.
- Authority to perform any function not prohibited by law.




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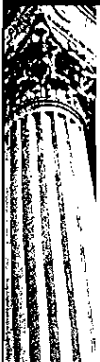


Permissive Provisions Continued

- Provision that any unit of government in the county may transfer any municipal service to the county with conditions.
- Charter powers may not be exercised in a local unit that is exercising similar powers without the consent of the local legislative body.
- The cost of a service may be negotiated with the local unit, but if it is provided countywide it may be paid from the county general fund.

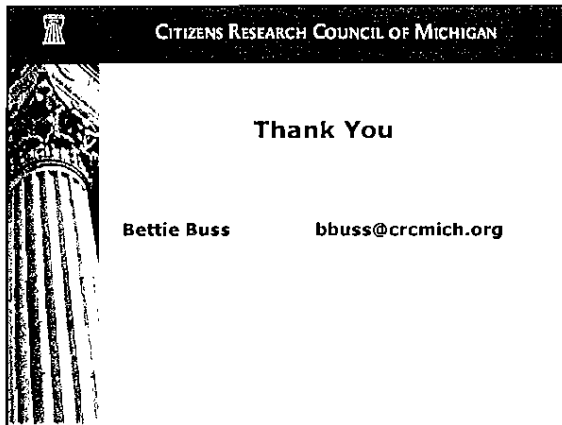


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Permissive Provisions Continued

- Authority to establish and maintain various facilities.
- Authority to levy and collect any taxes, fees, rents, tolls, or excises authorized by law.
- A system of retirement for county employees and officers.
- A classified civil service or merit system.
- Election or appointment of a drain commissioner.



RECYCLABLE PAPER



Todd Schmitz
Deputy Clerk

Carmella Sabaugh

Macomb County
Clerk/Register of Deeds

Betty A. Oleksik
Deputy Register of Deeds

October 14, 2008

Commissioner Paul Gielegem, Chair
Ad Hoc Committee on the Charter
One South Main
Mount Clemens, MI 48043

Dear Commissioner Gielegem:

This is an exciting time to be involved in Macomb County government! We have a real opportunity to create a uniquely "Macomb County" Charter and improve county government. I believe we may also keep costs low and get good results if those who can pitch in and help do so. That is why I am offering to serve as clerk of the Macomb County Charter Commission.

As you know, my office already serves as clerk to the Board of Commissioners, Concealed Weapons Commission, Civil Service Commission and Elections Commission. I have staff who are trained to take minutes and roll calls, and who know how to prepare meeting packets and send meeting notices in compliance with the Open Meetings Act. I believe the services of my office may help reduce the cost of improving our government via the Charter Commission.

I would be happy to discuss the details of this proposal with you, or the Charter Commission, at an appropriate time.

Sincerely,

Carmella Sabaugh
Carmella Sabaugh
Clerk / Register of Deeds

Clerk's Office
40 N. Main St.
Mount Clemens, MI 48043
586-469-5120
Fax: 586-783-8184

<http://www.macombcountymi.gov/clerksoffice>
clerksoffice@macombcountymi.gov

Fax-an-Demand
Michigan 1-888-99-CLERK
Out-of-State: 310-575-5035

Register of Deeds
10 N. Main St.
Mount Clemens, MI 48043
586-469-5175
Fax: 586-469-5130

<http://www.macombcountymi.gov/registerdeeds>
registerdeeds@macombcountymi.gov

RECYCLABLE PAPER



Red Hawk Res.
Dr. Eric Scorsone
Co-Chair
Macomb County
Charter Commission
10-16-05

Memorandum

To: County Charter Subcommittee, Macomb County Commission

From: Dr. Eric Scorsone, Co-Chair, State and Local Government Program

Re: Macomb County Charter Commission Technical Assistance

The MSU State and Local Government Program has offered to provide technical assistance to the Macomb County Charter commission. The MSU State and Local Government Program has a forty year history of working with local governments in Michigan on a variety of issues related to the management, administration, financing and service delivery issues. We have provided technical assistance to many counties and local governments across the state in a wide variety of areas. This work includes close cooperation with the Michigan Association of Counties in areas such as the book "The Guide to Michigan County Government" and the County Commissioner training schools. This assistance would entail several aspects:

1. Assistance with Parliamentary procedure training and meeting process
 - a. Designed to ensure a steady and speedy process for achieving required workload in allotted time
2. Assistance in establishing an agenda to meet workload requirements
 - a. Designed to assess order and flow of topics to be addressed in meetings
3. Assistance in researching charter options and provisions (working in cooperation with MI Citizens Research Council) including:
 - a. Fiscal analysis of alternative charter options
 - b. Comparisons with other relevant county charters
 - c. Assessment on current county organization and service delivery structure

RECYCLABLE PAPER

DRAFT

October 10

via H&A Rev.
Budget. Charter
Commission

(L. Murphy)

10-14-08

As indicated

CHARTER COMMISSION BUDGET

COST

Per Diem (\$35.00 x 26 Commissioners x 90 Days)	\$ 81,900
August 2009 Election to approve/reject Charter	550,000
Cost to publish Proposed Charter once in newspaper of record	65,000
One Secretary (40 hrs per week for six months)	24,000
Two stenographers (20 hours per week each for six months)	21,000
Legal support (\$250/hour)	300,000

Office space for three clerical could be provided in County Building.
The following costs would be incurred:

3 desks, chairs and related furniture	0
3 phone lines and call charges	1,800
4 computer lines and associated printer, etc	1,200
3 Email accounts	195
DVD Burner	300
7 electrical runs	630
Fax rental	3,000
Copier rental	3,000

The Charter Commission could meet in the VerKuijen Building auditorium. Three phone lines, three computer lines and associated equipment, a fax machine and a copier should be located in the meeting room. For electronic exchange, the Charter Commission can use their own email addresses using the Wireless Internet connection. Given that the auditorium will be used by other groups during the six month term of the Commission, securing the above equipment poses a problem. Direct costs associated with the above equipment for the auditorium are as follows:

Charter Commissioners would be seated at tables.	0
3 phone lines and call charges	1,800
4 computer lines and associated printer, etc.	1,200
7 electrical runs	630
Wireless Internet	3,600
Fax rental	3,000
Copier Rental	3,000
Overhead Projector	11,000
Sound System Rental	1,200
After hour security (Grey Coats provide security)	
Mon-Fri until 9:45 p.m. Some overtime may be necessary)	5,000
Office Supplies	10,000
Letterhead	750
	<u>\$1,093,205</u>